

## **REMARKS**

This responds to the Office Action mailed on November 6, 2009. Claims 1, 24 and 41 are amended. Reconsideration is respectfully requested in view of these amendments and the following remarks.

Independent claims 1, 24 and 41 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Madour (U.S. 6,904,025) in view of Das (U.S. 7,039,404) and Darby (U.S. 6,954,791). The applicants respectfully disagree with these rejections because they fail to consider the claims as a whole, as required by MPEP 2141.02. None of the cited references relate in any way to the concepts set forth in the independent claims when these claims are properly examined as a whole. Accordingly, to further distinguish from the cited references, claims 1, 24 and 41 have been amended to make the method steps more interdependent. For instance, claim 1 has been amended to specify that the step of queuing a first set of data in a local data store is done in response to the termination of the first GPRS MM context while the mobile device is out of network coverage of any GPRS wireless network in the preceding step. Similar amendments have also been made to independent claims 24 and 41. The applicants submit that the piecemeal-type rejections made in the November 6 office action should be withdrawn, particularly in view of these clarifying amendments.

For instance, in the rejection of claim 1, the office action acknowledges that the primary Madour reference does not teach the step of terminating the first GPRS MM context while the mobile device is out of network coverage of any GPRS wireless network. The office action relies on Madour, however, for the partial claim step of queuing a first set of data in a local data store associated with the first GPRS MM context. The applicant submits that none of the cited references teach or suggest queuing a first set of data in a local data store associated with a first GPRS MM context, in response to the termination of the first GPRS MM context while the mobile device is out of network coverage of any GPRS wireless network, as recited in the amended claim. This is because the cited claims are wholly unrelated to this concept.


Moreover, with respect to at least independent claim 24, the cited Das reference actually teaches away from the limitations of the claim. Specifically, the office action mistakenly concludes that the Das reference teaches the claim 24 step of terminating the first PDP context while the mobile device is out of network coverage with any wireless data network. (See, Office Action page 5, citing the col. 6, lines 41-46 of Das.) However, when this teaching of Das is read in its entirety, it is clear that Das describes a way not to terminate the PDP context while the mobile device is out of network coverage:

If the mobile node is not still active at its assigned SGSN 139, then the GPRS interface can be deactivated. This may happen because the mobile node terminates its session or registration with the PLMN or because the mobile node has roamed out of the network coverage area or is in come dormant power managed state. The deactivation of the GPRS interface can be detected by the HA by accessing information from the GGSN or this information can be sent to the HA from the mobile node. In either case, the HA can take steps to maintain the PDP context state even when the mobile node is not active on the network. Maintaining the PDP context allows packets to be routed to the GGSN at the mobile node's last address... (Das, col. 6, lines 41-55, with emphasis added.)

For at least the above reasons, the applicants respectfully submit that the rejections of independent claims 1, 24 and 41 are improper, particularly in view of the clarifying amendments, and should be withdrawn. Independent claim 51 is a system claim that recites executable network management program code that performs the method of claim 41 when executed. Independent claim 51 is this patentable for at least the same reasons as claim 41. Independent claims 1, 24, 41 and 51, along with their respective dependent claims, are therefore patentable over the cited references and in condition for allowance.

Respectfully submitted,

JONES DAY



---

Joseph M. Sauer (Reg. No. 47,919)  
Jones Day  
North Point, 901 Lakeside Avenue  
Cleveland, Ohio 44114  
(216) 586-7506